



File Code: 1570 (218)
#15-01-00-0013

Date: February 23, 2015

Gary Macfarlane
Friends of the Clearwater
PO Box 9241
Moscow, ID 83843

Dear Gary:

This letter is in response to the objection you submitted on behalf of Friends of the Clearwater and Alliance for the Wild Rockies to the draft Record of Decision for the Lower Orogrande project located on the Nez Perce Clearwater National Forests.

I have read the objection and reviewed the Final Environmental Impact Statement (FEIS), the draft Record of Decision (draft ROD), and the project file, as well as considered the comments submitted during the opportunities for public comment for this project. Based on this review, conducted in accordance with 36 CFR 218, I understand the disclosed environmental effects of this project.

OBJECTION REVIEW AND RESOLUTION MEETING

The 36 CFR 218 regulations provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggests remedies that would resolve the objection (36 CFR 218.8). The issues submitted were reviewed in full unless issues were found not to be based on previously submitted comments or new information.

As specified at 36 CFR 218.11(b), I must provide a written response that sets forth reasons for the response; however, this written response need not be point-by-point. The Responsible Official and I have reviewed the project in light of the issues presented in the objections. I have considered the issues and suggested remedies and included my reasons for response to these issues, which are detailed below.

The regulations also allow, in part, for the parties to meet in order to resolve issues (36 CFR 218.11(a)). A resolution teleconference was held on February 20, 2015. As discussed on the call, all acreage on landslide-prone areas have been eliminated from treatment units, as explained in Issue #8. This should resolve that objection point. We also talked about whether or not all the restoration work must occur before timber sale activities. We acknowledged that while some of the restoration work will be contained in the timber sale contract package, less critical watershed restoration activities would be implemented as soon as funding is available. I understand your concern that the restoration work might languish; however, I prefer to have an implementable decision in place when those restoration dollars come in. I agreed that agency nomenclature could be improved regarding the concept of "pre-commercial thinning", and I hope we were able



to clarify that there are no plans for any commercial entry into riparian habitat conservation areas.

While there was no firm resolution of any the remainder of your objection points, I believe you will see from the instructions to the responsible official that the Forest Service is responding to several of your concerns. Thank you for participating in the call.

OVERVIEW OF PROJECT

The purpose of the Lower Orogrande Project is to contribute towards attainment of forest-wide goals and objectives for timber management, vegetation, aquatic resources and wildlife habitat. The project will primarily improve species diversity and balance vegetative successional stages across the landscape to create stand conditions that are resilient to disturbance. The purpose of harvest units is to restore white pine and larch; commercial thinning will improve stand vigor. Watershed improvements include replacing stream fords with fish passage culverts, replacing 16 undersized culverts, and closing approximately 90 miles of system and non-system roads.

RESPONSE TO ISSUES & SUGGESTED REMEDIES

The objections raised the following issues/allegations:

Issue 1 Watershed Modeling

You claim the Forest included untested sediment routing adjustments outside of the WEPP model, and that these “adjustments” are scientifically unsound and largely based on opinion rather than scientific fact. You point out that Table 4-3 does reflect that tons of sediment would be produced by logging activity, which you contend would violate the Clearwater Settlement Agreement. You suggest a supplemental EIS is needed.

Response: No “adjustments” to the model were made (PF doc. 11c04 Disturbed WEPP Results). The model requires the user to enter certain variables; including climate, soil texture, slope, plant community, surface residue cover and stream buffer and width (DEIS p. 68). These are not “adjustments” but a means to refine the output for the project area as directed by the instructions for the model (PF doc. 11b04). Table 4-3 shows the estimated modeled results without consideration of any other factors or information.

The determination of “no measureable sediment” was based upon a combination of information sources: on-the ground field reviews, BMP implementation and effectiveness monitoring, WEPP sediment modeling and WEPP estimated probability of sediment delivery to streams. The model is not used alone to determine compliance. The WEPP model did show sediment produced (DEIS p. 71), but the model also showed that the probability of that sediment reaching a stream was low. The model does not incorporate BMP design features, which are proven means to reduce sediment production (DEIS pp. 24, 26 and 71; Exhibit #1812 Clearwater NF Monitoring Reports (1988-2009)). When field observations and BMP monitoring are considered with the model results, sediment production and probability of delivery, the conclusion is the “no measureable sediment” determination.

The 1993 Clearwater Settlement (PF doc. 12b06) defines “no measureable increase” to mean the sum total of the project effects, including mitigation, as determined by the forest hydrologist, soils scientist and fisheries biologist. The FEIS describes all the methods used by the hydrologist to determine project effects. Sediment reduction activities, i.e., road decommissioning, culvert replacements and road improvement work, are included in the proposal but are not mitigation for effects generated from treatment unit activities (DEIS p. 17).

Documentation supports the finding that effects of the project meet the 1993 Clearwater Settlement definition of “no measureable increase”. The project will not violate the settlement agreement, nor is a supplemental EIS necessary.

You contend the DEIS/FEIS acknowledge many streams in the project area do not meet Forest Plan standards and that sediment would increase under the action alternatives. The Clearwater Settlement states, “The Forest Service agrees to proceed only with those projects that would result in no measurable increase in sediment production in drainages currently not meeting Forest Plan Standards.”

Response: Both the Revised DEIS and FEIS acknowledge that the only direct sediment input to streams would be from the 90 miles of road decommissioning, 19 culvert replacements and 24 miles of road improvement work which are designed to reduce sediment inputs and improve stream conditions over time (DEIS p. 75) (FEIS, p. 14, #35; Revised DEIS, pp.78, 79, and 81). The Forest has determined that the Clearwater Settlement agreement allows for a measureable increase to occur in the short-term as long as there is a sediment reduction in the long-term (PF doc. 12b06).

The long-term benefits of the watershed improvement projects result in compliance with the 1993 Clearwater Settlement’s definition for projects that can proceed.

You assert that “the data set is limited and incomplete. Current condition is listed as 1997 in one chart (page 43); sediment is apparently measured via personal observation rather than reliable monitoring protocol (pages 71 and 78).”

Response: The Revised DEIS describes current conditions and the FEIS errata sheet (p. G-2 paragraph 3) attached to Chapter 6 describes how the current conditions relate to conditions found in the 1997 surveys (PF doc. 12b04 and PF doc. 12b05). The determination of effects regarding sediment was based upon a combination of monitoring and modeling (DEIS p.71).

Issue 2 Sediment

You claim that funding sources have not been identified for watershed improvement and road obliteration work (ROD page 10). You suggest all restoration activities occur before any logging or road building takes place. You assert that the Forest Service needs to provide assurances that the conditions of the 1993 lawsuit settlement area being met and that the necessary funding to accomplish required sediment reductions are provided.

Response: The Forest Service responded to a similar comment in the FEIS (p. 3, #4; p.16, #42). The draft ROD (p.10) identified potential sources of funding for the watershed projects. At this

time, funding has been received for a portion of the road decommissioning (roughly 10 miles), and further funding is being pursued for out-year work (personal communication with Watershed Restoration Coordinator on 01/13/2015). The Forest Service Manual (FSM) directs sale planners to consider financial, economic and environmental effects in the analysis and sale preparation process; this consideration is incorporated into the Revised DEIS/FEIS (see 2012 Revised DEIS pp. 109-112). There is no requirement that all funding be secure and disclosed in an environmental analysis before a decision may be made.

Given that the activity units and the watershed improvements are not interrelated with regard to ecological effects, it is not necessary to complete the culvert replacement and road decommissioning first. However, the Forest is planning to implement this project using a stewardship contract, which allows for integrating the vegetation treatment work with some of the more critical watershed restoration work.

The watershed improvement projects are not mitigation or required sediment reduction activities for other activities proposed by this EIS. The Revised DEIS/FEIS concludes that there would be no measureable increase in sediment from treatment units (RDEIS p. 71). The Revised DEIS (p. 17) describes the purpose of road decommissioning in the project area as improving existing resource conditions, not mitigating other elements of this project. The analysis determined that watershed improvement projects could generate short-term sediment increases but in the long-term would result in reduced sediment and would therefore meet the criteria and comply with the 1993 Clearwater Settlement. This allows the Forest to proceed with the project.

Issue 3 Activities in RHCA

You claim that INFISH buffers would be violated in areas either upstream of, or within, critical bull trout habitat by thinning within Riparian Habitat Conservation Areas. You contend that the term “pre-commercial” thinning demonstrates that the agency intends to log in RHCAs, and therefore the cumulative impacts and connected action of future commercial thinning or logging in the RHCAs have not been analyzed. You request that all pre-commercial thinning in RHCAs be dropped.

Response: Pre-commercial thinning is a silvicultural term that simply means “sapling thinning”, and does not indicate any known plans for future entry. The project proposes hand thinning of select small-diameter trees (favoring the retention of western redcedar) in the RHCA as a means to acquire desired vegetation characteristics and attain riparian management objectives. Effects from this activity and how it is consistent with INFISH are included in the errata attached to FEIS Chapter 6. For ease of comprehension, the Forest has agreed to incorporate all errata into one FEIS for the project.

Because INFISH does not prohibit vegetation management within RHCAs to attain riparian management objectives, and because the action will have a beneficial effect, there is no compelling reason to drop this activity.

Issue 4 Cumulative Effects

You allege that the Forest violated NEPA because it should have analyzed cumulative watershed effects across the entire Orogrande Watershed rather than at just the project level.

Response: The Forest explained in the project record why a smaller geographic scale was appropriate for purposes of analyzing cumulative watershed effects, essentially finding that an analysis at this level would account for landscape-level impacts without diluting measureable effects (Rev. DEIS, pp. 74 to 76; & Appendix A). Therefore, I find that the Forest Supervisor complied with applicable regulation and policy by properly determining the boundaries of the area to be considered in the cumulative effects analysis and included the rationale in the revised DEIS.

You contend that the Forest Service failed to properly analyze the cumulative impacts from past, present, and future activities on adjacent private and state lands.

Response: The Forest did consider impacts from roadbuilding and logging activities on private and state lands adjacent to the project area and incorporated this information, where applicable, into the cumulative effects analysis (Rev. DEIS, pp. 74 to 76; 79 and 83; Appendix A tables and maps; FEIS Chapter 6, Response to Comment 44). The Forest requested and received information about ongoing or future timber harvests from the State of Idaho Lands Division; this information was included in the Forest's cumulative watershed effects analysis (Rev. DEIS, p. 74; Appendix A tables and maps). The Forest acknowledged that it was unable to obtain information about roadbuilding and logging activities on adjacent private lands (Rev. FEIS, pp. 40, 74). Due to this lack of quantitative information, the Forest relied on images from Google Earth to make qualitative assumptions about past activities and the riparian conditions on adjacent private/corporate lands in its cumulative effects analysis (Rev. DEIS, pp. 40, 74; FEIS Chapter 6 p. 17, #44).

Where the information was available, the Forest considered and analyzed the cumulative effects of activities on private and state lands adjacent to the project area. The Forest Supervisor complied with applicable regulation and policy. For clarity, I am asking the Forest to include a map displaying ownership within the project area boundary in Appendix A of the FEIS.

You allege that the Forest Service failed to consider reasonably foreseeable future actions like the French Larch proposal in its cumulative effects analysis for watershed, old growth, fisheries and wildlife.

Response: While the French Larch scoping letter was issued on April 15, 2014, and thus is a reasonably foreseeable project pursuant to the NEPA regulations, your argument that the Forest should consider the effects of the French Larch project in the cumulative effects analysis for watershed and fisheries is incorrect. While both the French Larch and the Lower Orogrande projects are located within the larger Orogrande Creek Watershed, the French Larch project is located in the French and Larch Creek drainages, and is outside of the Lower Orogrande drainage. Therefore, there would be no overlap of impacts between the two projects.

The Forest determined that to avoid diluting measurable effects, the appropriate cumulative watershed effects area was at the project area boundary level (see previous response). The French Larch project falls outside the boundaries of the cumulative watershed effects area for the Lower Orogrande project, and the Forest was not obligated to consider it in its cumulative watershed or fisheries effects analyses for this project. However, this rationale should be included in the FEIS.

You also note that both the French Larch and the Lower Orogrande projects are within Old Growth Unit 113. Given this overlap, you maintain that the Forest should consider the French Larch project's effects in the cumulative effects discussions for old growth and wildlife. I am asking the Responsible Official to include French Larch as a reasonably foreseeable project in the FEIS and to provide context for the project within the cumulative effects analysis for old growth and wildlife. This context will include the fact that no old growth is being affected by this project, and therefore no direct, indirect, or cumulative effects would be expected.

Issue 5 Restoration Only

You contend that the Forest unreasonably rejected from consideration an alternative looking at restoration without timber harvest.

Response: Using comments received from the public during the scoping for the Project, the Forest developed and considered five alternatives, including a project alternative that would involve watershed restoration without timber harvest (Alternative 4). This alternative was eliminated from further detailed study for the reasons set forth in the Revised DEIS page 27, and reiterated in the draft ROD at page 5. In contrast, the Forest notes that Alternative 2 (the proposed selected alternative) best meets the purpose and need of the project by balancing the need for watershed improvement with the need for vegetative treatment and access management (draft ROD, p. 10). Therefore, I find the Forest Supervisor complied with applicable regulation and policy with respect to consideration of this alternative.

You allege that the Revised FEIS fails to analyze any action alternative that considers restoration without timber harvest, including any action alternatives that refrain from timber harvest in areas with a high hazard rating for landslides or thinning in RHCAs.

Response: Since releasing the Revised DEIS, FEIS and draft ROD, the Forest has removed from its proposed treatment those activities in areas with a high hazard rating for landslides. The amended Errata and the ROD will reflect this decision, and thus, there is no need to consider a request to develop an action alternative that precludes timber harvest in areas with high hazard ratings for landslides.

As noted above, the selected alternative will meet both the restoration and vegetative purpose and needs of the project. The Forest did analyze an action alternative that considered restoration without timber harvest, including pre-commercial thinning in the RHCAs. Alternative 4 (watershed restoration without timber harvest) would not meet the need for vegetative treatment

and access management, and was thus eliminated by the Forest from further consideration (Rev. DEIS, p. 27; draft ROD, p. 5).

Forest Service regulations that implement NEPA state that “[a]n alternative should meet the purpose and need and address one or more significant issues related to the proposed action.” 36 C.F.R. § 220.5. It was not necessary to evaluate a separate action alternative that refrained from thinning in the RHCAs because the effects of such treatment are benign in regard to water yield, sediment yield, and fish habitat (2013 FEIS Errata, Appendix G, G-2 re: p.78). There would be no discernable differences between the proposed alternative and an alternative that eliminated sapling thinning in the RHCAs, and therefore not a significant issue meriting a separate alternative. (FEIS Ch. 6, pp. 3 to 4, # 7).

Issue 6 Ecosystem Assessments

You contend that the Forest has used documents (such as *Orogrande Ecosystem Assessment at the Watershed Scale (EAWS)*) that have not been through the NEPA or decision processes to inform management decisions. You allege that use of these documents violates NEPA, NFMA and the Forest Plan.

Response: The EAWS is not a decision-making document, and it does not set management direction. It is an assessment of current conditions and uses Forest Plan direction and ecosystem management principles to identify possible opportunities to achieve or move toward desired future resource conditions (Rev. DEIS, pp. 3-4). In fact, CEQs implementing regulations for NEPA direct that “the agency initiate and utilize ecological information in the planning and development of resource-oriented projects.” 40 CFR 1507.2 (e). The EAWS was referenced in the Revised DEIS, but no management decisions were tied to this document. The draft ROD makes clear that the Responsible Official considered management direction in the Clearwater Forest Plan and demonstrates how the project decision will implement the standards, goals and objectives of the Forest Plan. (draft ROD, pp. 14-17). Neither NFMA nor NEPA is violated by using the ecological information provided in the ecosystem assessment.

You allege that the Forest Plan does not give direction to have a specific percentile range of stand size classes in the desired future conditions. You contend that the FEIS contains programmatic decisions establishing new management direction for the Forest by developing new desired conditions. Thus, you state that the Forest must go through the Forest Plan amendment or revision process.

Response: Desired Future Conditions (DFCs) described in the 1987 Clearwater Forest Plan do not constitute management direction, but project what changes could occur by 1998 and by the year 2037, if all planned management practices were carried out. FP pp. II-16 to II-19.

It is correct that the DFCs do not use the terminology and percentile ranges found in the FEIS. However, there is nothing in the Forest Plan that prohibits this goal, and the Forest Plan allows latitude in the management of silvicultural systems (pp. II-2 and II-25). While the Forest used the DFCs as a starting point for the project’s analysis, site or project-specific actions are not included in Forest Plans but are instead guided by them. The conditions described in the Lower

Orogrande RDEIS/FEIS reflect the current conditions on the ground and are consistent with Forest Plan's goals, objectives and standards. The Lower Orogrande FEIS does not contemplate any programmatic decisions that would trigger a need to amend the Forest Plan.

Issue 7 Monitoring

You claim the agency has failed in its obligation to complete monitoring in a timely manner. The latest monitoring report is from 2009, and without monitoring the FS cannot know if conditions or demands in the area covered by the plan have changed significantly.

Response: Despite the lack of published monitoring reports since 2009, the Forest has continued monitoring activities and resource specialists have conducted surveys to support their analysis for this project. The Forest Plan does not require that site-specific monitoring be implemented for individual projects. Incidentally, the 2004 EAWS referenced in the previous issue assessed the conditions in the project area to determine if conditions or demands have changed significantly.

You inquired as to what changes are taking place on the landscape that affect MIS species or other monitoring items.

Response: Changes on the landscape are described in the Revised DEIS (pp. 55 to 58) in terms of forest cover types, successional stage distribution, and landscape patterns. Conditions for the MIS that may be affected by the Lower Orogrande project are addressed in the RDEIS as well. As stated on page 49, regarding elk, "Both forage availability and quality are declining due to advancing forest succession (trees) outcompeting palatable shrubs, grasses and forbs in past timber harvest units." Goshawk populations are stable and habitat is abundant and well-distributed (p. 51); pileated woodpecker are stable or increasing (*ibid*); and marten habitat remains abundant (p. 52).

Issue 8 Soils

You object to all units and roads that occur on high risk landtypes and do not agree that relying on untested design features will meet the intent of the 1993 lawsuit settlement in terms of producing no measurable increase in sedimentation. You are concerned the Forest Service cannot assure that operation on high risk landtypes will not cause a large mass failure and delivery of large amounts of sediment to project area streams. You ask that all units on high risk landtypes be dropped.

Response: Unit layout was completed in the summer and fall of 2013 and preliminary field information showed several areas of high landslide hazard potential being removed from proposed treatment units. This is documented in the draft ROD (pp. 4 & 13), and is reflected in the reduced acreage for the Selected Alternative. Final field information, obtained after release of the draft ROD, now shows that *all* areas of high landslide hazard potential have been removed from proposed treatment units. This new acreage will be reflected in the FEIS and final ROD.

Mitigation/design measures in the ROD require that the soil scientist assist in the location of temporary roads to reduce erosion hazards (draft ROD, p. 9). Temporary roads would not be

located on those landtypes with high landslide potential. All temporary roads constructed would later be decommissioned following use. Erosion control stabilization consisting of out-sloping and water barring, as specified in the contract, would be required on all temporary roads that overwinter (*ibid.*). Careful road design and mitigation has been shown to decrease erosion and sediment production.

The draft ROD Alternative 2 map no longer shows the locations of the temp roads and is at a scale in the RDEIS making it difficult to read. I am instructing the Forest to include a map in the FEIS and ROD clearly showing the location of temporary roads and their location relative to high risk landscapes/ high landslide potential areas, and including the GIS stream layer. This should alleviate your concern.

Issue 9 Carbon

You allege that the DEIS doesn't contain the latest science and makes assumptions about carbon sequestration that are not supported by the latest science, and take issue with the DFEIS alleging that logging and thinning will aid in carbon sequestration as opposed to the no action alternative.

Response: The Revised DEIS does not include climate change as an issue to be addressed and so makes no assumptions regarding carbon sequestration. You did not raise carbon sequestration as an issue during the comment period for the Revised Draft EIS.

Relative to the excerpt from Science Daily, the project is not a fuels reduction project. The Vegetation Report (PF Doc. 14a03) contains a brief discussion of climate change and the project's effects on carbon storage. It also explains that these activities would lead to a short-term loss of carbon storage, but that the resulting healthier, more productive forest would increase carbon storage over time. This trend information is supported by the *Strategic Framework for Responding to Climate Change* (PF Doc. 14b14, pp. 9 to 11).

A supplemental EIS is not necessary, but I am asking the Forest to include, in the body of the FEIS, the information regarding carbon contained in the Vegetation Report.

Issue 10 Wildlife

You object to the DEIS/FEIS concluding that there would be no impact to harlequin ducks because human disturbance patterns would be unchanged. However, thinning would be allowed to occur within 25-feet of streams, which you feel is a change in human disturbance patterns.

Response: The rationale for the no impact determination is explained fully in the MIS & TES Wildlife Resources Status Report completed for this project. In summary, the only stream in the project area, based on the physical characteristics of the stream and riparian area, which is likely to support harlequin duck is the mainstem of Orogrande Creek. It is unlikely that harlequin ducks nest on Orogrande Creek, because the proximity of the heavily-traveled 250 road (which generally closely parallels the creek) and associated human activities are expected to provide too

much disturbance for this secretive bird to nest. Sapling thinning could occur on the opposite side of the 250 road from Orogrande Creek, where it would not substantially add to the existing high level of disturbance caused by traffic and associated activities.

Based on the unlikely use of the area by harlequin ducks and the location of proposed sapling thinning, I find that the project wildlife biologist properly determined that proposed activities would not affect harlequin ducks.

You contend impacts to the pileated woodpecker, marten and goshawk are dismissed because there is other habitat available.

Response: The impacts to habitat for these MIS both within the project area and within the cumulative effects areas are analyzed in detail in the Wildlife Report and summarized in the Revised DEIS. For goshawk and pileated woodpecker, the wildlife analysis concludes that effects of the project would be minimal due to abundant habitat remaining after treatment. It also cites recent research showing improving trends region-wide for both species.

For American marten, the wildlife analysis describes the substantial amount of high-elevation marten habitat on the Forest and in the Region, while modelled habitat in the project area is marginal in quality and quantity because of the project area elevation. A minor amount of the modeled habitat within the project area would be affected by the proposed project, which leads to the conclusion that the effect of the proposed project on martens and marten habitat would be marginal.

I find that the project wildlife biologist properly considered (rather than dismissed) the effects of the proposed project on these MIS, which is detailed in the Wildlife Report and the Revised DEIS. Based on the project's avoidance of old-growth habitat and the widespread availability of suitable habitats across the Forest and region, the cumulative effects on these species are determined to be minimal to none.

You contend that there is abundant habitat for fisher [and wolverine] than that claimed in the DEIS/FEIS, and assert the habitat model is wrong. You provided four research articles.

Response: Both the Wildlife Report and Revised DEIS estimate 2,550 acres (12% of project area) and 600 acres (2% of project area) of suitable habitat for fisher and wolverine, respectively. The limited habitat for wolverine is due to the vast majority of the project area being below the 4500-ft. elevation preferred by this species. Both documents do report an abundance of fishers and habitat on the North Fork District (RDEIS p.53) and the Clearwater National Forest, contrary to your claim.

The habitat models used for Lower Orogrande are backed by science and were used to show differences among the alternatives being considered, and not to predict the abundance of species populations. Although I find that the habitat models used for the Lower Orogrande project for fisher and wolverine are based on relevant science, I expect the Forest to show relevancy of the

articles you submitted regarding habitat selection by fishers, and whether they support or do not support the findings of the effects analysis.

You contend that the impacts to deer and moose should be examined independently, rather than grouped under elk, since each species has different strategies for foraging and dealing with deep snow. You refer to Forest Plan direction for MIS.

Response: The Clearwater National Forest Plan is specific about elk and white-tailed deer in regard to MIS. Except for a large portion of the Palouse Ranger District that designates white-tailed deer as the primary MIS, elk is the primary indicator species everywhere else on the Forest. Moose, which is concentrated on the Powell Ranger District, is also a Forest indicator species that relies on similar habitat conditions as those for elk.

Since the Lower Orogrande project is located where elk is considered the primary MIS, and because Forest Wildlife Biologists (past and present) claim that management practices that benefit or impact elk have similar effects to deer and moose, I find no fault in the grouping of white-tailed deer and moose under elk, as done for the Lower Orogrande project.

You claim that cumulative impacts to elk security on contiguous private and state land were overlooked, because the acreage analyzed for EAAs is the same as the project area.

Response: Contrary to your claim, the wildlife biologist did consider the adjacent private lands in his cumulative effects analysis, regardless of Elk Analysis Unit boundaries. This is well documented in the Wildlife Report and on pages 83 to 84 in the Revised DEIS.

You contend the DEIS/FEIS offers inadequate information on lynx, and that the new analysis on lynx is simply a mapping exercise.

Response: The Lower Orogrande project area is not located in designated lynx critical habitat or within a Lynx Analysis Unit. As such, there is no requirement to evaluate this project for consistency with the Northern Rockies Lynx Management Direction standards for vegetation management activities and practices. Instead, three separate analyses were completed to characterize existing habitat resources.

Modeling to identify suitable habitat and the ability of transient lynx to move between areas of suitable habitat was conducted using the best available science, and is described in the Biological Assessment attached to the draft ROD (as referenced on page 17).

The results of the analyses concluded that travel habitat for transient or dispersing lynx would be maintained across the project area and within a 5-mile buffer surrounding the project area, and that no long-term impacts to individual lynx and their habitat would be anticipated. The US Fish and Wildlife Service concurred with this conclusion and our determination that the project “may effect, but is not likely to adversely affect” Canada lynx and its habitat.

I find that the existing analysis contains detail in proportion to its significance of the issue, and complies with NEPA and ESA.

For clarity and convenience to the reader, I am asking the Forest to incorporate the updated lynx analysis into the FEIS, rather than only as an attachment to the ROD.

You contend the new analysis concludes there are no grizzlies in the Clearwater National Forest in spite of the fact one was killed there in 2007. You state the analysis in the draft ROD is not a habitat analysis as required by the Forest Plan ROD.

Response: You mischaracterize the information regarding grizzly bear, attached to the Lower Orogrande draft ROD, as an “analysis”. The document dated 9/18/2014, and included as an appendix to the draft ROD, is a result of your November 2013 Notice of Intent to sue under the Endangered Species Act. That attachment merely responds to the issue of the presence or absence of grizzly bear on the Forest or in the project area.

An agency is required to analyze the effects to those, threatened, endangered, candidate, and proposed species the USFWS has determined may be present in any given project area. A list of species was requested of the USFWS (see appendix B of the Biological Assessment attached to the draft ROD), and grizzly bear does not appear on this list. This fact, and the results of monitoring for bear in the area, are all explained quite explicitly in the response sent to your attorney, Ms. Johnson, dated 1/2/2014.

In regard to your contention regarding habitat analysis, studies mentioned in the Forest Plan ROD regarding recovery habitat are not relevant to, or required for, this site-specific project. The obligation to consider effects to grizzly bear and/or its habitat is based on the ESA and the species the USFWS considers may be present in the project area.

For the purposes of clarification, a statement will be added to the ROD in Section K, regarding the Endangered Species Act, informing the public that the USFWS does not consider grizzly bears as a species that may be present in the project area (50 CFR 402.12(c)).

Issue 11 Sensitive Plants

You claim the sensitive plant analysis is inadequate and not site specific, and that there is no Biological Assessment or Biological Evaluation of Sensitive Plant Species. You object because the EIS does not discuss several sensitive plant species on the 2011 Region 1 Sensitive Plant List, stating that only six of the fourteen species mentioned are analyzed and that analysis is not supported by fieldwork. You claim the EIS offers no analysis of the impacts of pre-commercial thinning on sensitive habitat. Thus, you feel conclusions of the sensitive plant section of the EIS are arbitrary and capricious, and there is no site-specific analysis of potential impacts. You suggest the Forest prepare a supplemental EIS that addresses the issue of sensitive plants.

Response: As per Regional Direction (1995) for streamlining biological evaluations, the effects on sensitive plant species were incorporated into the specialist report and Revised DEIS. The DEIS discloses a “may impact individuals or habitat” determination, and the effects determination for sensitive species are also summarized in the ROD. The botany specialist report also documents the No Effect determinations for listed plant species to serve as the Biological Assessment.

Recent updates to the Region 1 sensitive plant list made no changes for the Clearwater National Forest. The Botany Specialist Report includes the 31 species with potential habitat on the CNF. The report also incorporates the updated USFWS species list. Field surveys were conducted for Lower Orogrande and are in the project record. Forest personnel surveyed large portions of the

project area for the presence of sensitive plant species and determination of suitable habitats. For the purposes of clarification, the FEIS will include insertion of a sentence to page 58 disclosing that site specific surveys for sensitive plants were conducted.

Also pre-field work included study of aerial photos, topographic maps and forest habitat maps to prioritize potential habitat for plants of concern and to plan surveys. Table 3.5 includes the 14 species with potential habitat in the project area, as indicated on page 58 of the Revised DEIS. Table 4.9 includes only the species that the botanist determined may be impacted, as stated in the Revised DEIS on page 103.

Up to 100 acres of sapling thinning could occur within RHCAs, and specific effects to riparian habitats are described on page G-2 of the FEIS/ errata, with further detail in the Aquatic Habitat/Fisheries Report in the project record.

This activity is designed to improve forest composition, structure, density, and stand health within RHCAs, and is consistent with INFISH direction (p. 81, Revised DEIS). This was also explained in the response to your 2013 appeal, where similar issues were raised.

The evidence indicates site-specific analysis was conducted. The final effects analysis for sensitive plants was based on field surveys, GIS analyses, and research; it is in the project record. The FEIS addresses sensitive plants, and there is no need for a supplement.

SUMMARY

In conclusion, I have reviewed the assertions that the project violates various environmental laws, regulations, policies, and the Forest Plan. My review finds the project is in compliance with these laws, regulations, policies, and the Forest Plan except for those instances where I have provided instructions for the Forest to provide additional or clarifying information to better demonstrate compliance with law, regulation, or policy.

The Forest will summarize this objection response in the Public Involvement section of the final ROD and should include this letter as an appendix.

Instructions to the Forest Supervisor:

- a) Include a map displaying ownership within the project area boundary in Appendix A of the FEIS,
- b) include French Larch as a reasonably foreseeable project in the FEIS and provide context for that project within the cumulative effects analysis for watershed, fisheries, old growth and wildlife,
- c) include a map in the FEIS and ROD clearly showing the location of temporary roads and their location relative to high risk landscapes/ high landslide potential areas, and including the GIS stream layer,
- d) include the information regarding carbon contained in the Vegetation report in the body of the FEIS,
- e) In the FEIS and/or the project record, show relevancy of the articles regarding habitat selection by fishers, and whether they support or do not support the findings of the effects analysis,
- f) incorporate the updated lynx analysis into the EIS,

- g) add a statement to the ROD in Section K, regarding the Endangered Species Act, informing the public that the FWS does not consider grizzly bears as a species that may be present in the project area, and
- h) in the FEIS, disclose that site specific surveys for sensitive plants were conducted.

Once all instructions are completed the project and analysis will be in full compliance with all laws, regulations, policies, and the Forest Plan, and the Forest Supervisor may sign the Record of Decision for the project. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or USDA official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,



DAVID E. SCHMID
Deputy Regional Forester

cc: George Harbaugh
Cheryl Probert
Ray G Smith
Kim Smolt